



## Benin

### Country Reports on Human Rights Practices - [2001](#)

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The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 6, after elections that observers generally viewed as free but not entirely fair. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990-91 constitutional process that ended his previous reign. There are 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicéphore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. The Government generally respects the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary is inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the State Minister in Charge of Defense Matters, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervises the Gendarmerie, which exercises police functions in rural areas, while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks and an ethnic imbalance within the forces. Members of the police committed some human rights abuses.

The country is extremely poor with average yearly per capita income below \$400 (approximately 293,000 CFA francs); its population is approximately 6.4 million. The economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The Kerekou administration has maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of an inefficient bureaucracy and widespread unemployment, the country's economic recovery continued under liberal economic policies. Although the economy expanded, real growth continued to be lower than in the previous year. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid. Inflation was 3.9 percent at year's end, prompted by price hikes for imported oil and derivative products. The Government announced additional delays in the privatization of the port of Cotonou and the cotton parastatal, SONAPRA.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking in and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. The Constitutional Court has demonstrated independence; however, it was accused of bias in favor of the President during the presidential elections.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Unlike in the previous year, there were no reports of prison riots, and there were no reports of any action taken against the persons responsible for the deaths of three prisoners during the May 2000 riot at the Lokossa prison (Mono department).

There were reports during the year that several persons were killed during disputes between Fulani herdsmen and local landowners over grazing rights (see Section 2.d.).

As in the previous year, incidents of mob justice were reported by the media and other sources. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. In 1999 a vigilante leader, the self-styled "Colonel Devi," incited mobs to lynch more than 100 suspected criminals in the southwestern part of the country. Most of the victims were burned alive, many after being abducted, beaten, and tortured by Devi's followers. The popularity of Devi continued during the year; there were occasional press reports that lauded him and his followers for using mob justice to restore order in the Mono-Couffo (southwest) regions. Although the number of such killings decreased during the year, reliable reports indicate that incidents of mob justice by Devi's followers persisted, despite a promise he made in 1999 to order his followers to cease lynching suspected wrongdoers and instead turn them over to the authorities. In November Devi's followers killed and partially dismembered two persons at his home in Mono. No action was taken against the followers by year's end.

Individual incidents of mob justice continued to occur nationwide, and police most often ignored vigilante attacks. In April in Bante sub-prefecture, newspapers reported that "an enraged mob" set on fire and burned to death a suspected sorcerer and an accused thug. In November there were 10 reported cases in which mobs in several sections of Cotonou attacked persons alleged to have committed ritualistic "thefts" of children and of body parts; at least 5 persons were killed.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police sometimes beat criminal suspects. For example, on March 22, the day of the runoff election for the presidency, police beat and severed the finger of opposition National Assembly deputy Valentin Somasse. Somasse was accused of violating the law against campaigning on election day. In response opposition deputies proposed a law granting him amnesty, but the measure was ruled unconstitutional by the Constitutional Court. No action was taken against the responsible police by year's end.

Although the Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989, not all such victims were paid by year's end. A commission within the Justice Ministry was assigned to look into nonpayment; however, no further action was taken by year's end.

Although an investigation was completed in 2000 in the case of the 1999 police beating of Deputy Sacca Fikara, the authorities still had not decided whether to prosecute the police by year's end.

Mob justice resulted in serious injuries to a number of persons (see Section 1.a.).

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was seriously inadequate; malnutrition and disease were common. Family members are expected to provide food for inmates to supplement prison rations. Women are housed separately from men; however, juveniles at times are housed with adults. Pretrial detainees are held with convicted prisoners; however, they are not held with the most violent convicts or those subject to the death penalty. Prisoners are allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's 8 civil prisons have a collective capacity of approximately 5,000 persons; however, the prisons at times are filled to over 3 times their capacity. The prison in Natitingou (in Atacora province) was the only one of eight prisons nationwide below full capacity. While delayed due to funding problems, a new 1,000-person prison still was under construction in Akpro-Misserete (Oueme department) at year's end. As in the previous year, on the eve of the August 1 Independence Day holiday, the Government granted partial amnesty or modified the sentences of approximately 130 prisoners convicted of minor crimes, such as petty theft.

The Government permits prison visits by human rights monitors. In August the country's first female presidential candidate, Marie-Elise Gbedo, visited a women's prison near Cotonou. In June a medical and dental delegation from a foreign nongovernmental organization (NGO) visited approximately 3,000 prisoners; they noted the prevalence of malaria, hypertension, and vision problems among the prison population.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison are pretrial detainees.

The Constitution prohibits forced exile of citizens, and it is not practiced. Many citizens who went into voluntary exile prior to the establishment of democratic rule have returned.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the executive branch has important powers in regard to the judiciary, and the judiciary remains inefficient in some respects and is susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets result in a slow administration of justice. The low salaries of magistrates and clerks have a demoralizing effect on their commitment to efficient and timely justice and make them susceptible to corruption.

A civilian court system operates on the national and provincial levels. There is only one court of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court is charged with deciding on the constitutionality of laws and on disputes between the President and the National Assembly and with resolving disputes regarding presidential and National Assembly elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government; however, it was accused of bias in favor of the President during the presidential elections (see Section 3). When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the State. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. On February 15, the first members of the High Court of Justice were sworn in and began serving their terms during the year. Inefficiency and corruption particularly affect the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provides indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. Police are required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice. In the previous year, the Government, namely the former Managing Director of the Office of Post and Telecommunication, denied charges of wiretapping involving former President Soglo. The National Assembly began an investigation; however, no results were released publicly by year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. The government entity with oversight responsibility for media operations is the High Authority for Audio-Visual Media and Communications (HAAC), which requires broadcasters to submit weekly lists of planned programs and requires publishers to deposit copies of all publications with it. However, the media did not comply with these requirements in practice.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 6.c.); however, there were no reports that journalists or others have been imprisoned.

There is a large and active privately owned press consisting of more than a dozen daily newspapers. These publications criticize the Government freely and often, but their effect on public opinion is limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) was established in 1999, and it continued to censure some journalists for unethical conduct during the year, as well as commending some journalists for adherence to the standards of their profession.

In 1999 a trial court sentenced five journalists to various jail terms not exceeding 1 year and fines for criminal libel in several cases that did not involve criticism of the Government. At year's end, none of these 1999 sentences had been imposed and appeals remained pending. Journalists continued to insist that violations of the libel law not be punished by jail terms, but the Government has not responded.

Privately owned radio and television stations have become increasingly popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of topics related to the presidential election campaign.

The Government continued to own and operate the media that were most influential in reaching the public because of its broadcast range and infrastructure. The majority of citizens are illiterate and live in rural areas; they largely receive their news via radio. The Benin Office of Radio and Television (ORTB) transmits on the FM and AM frequencies and by short wave in French and local languages. Radio France International (RFI) also transmits on a local FM frequency under an agreement with the Government. The British Broadcasting Corporation broadcasts in Cotonou in French and English. Fifteen rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations receive support from the ORTB.

A similar arrangement exists for television transmissions: The ORTB broadcasts more than 12 hours per day on a signal that is easily received in urban areas. Approximately 80 percent of the ORTB's television programming is in French. TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A privately owned television station, LC-2, broadcasts in Cotonou. LC-2 is owned by several private businesspersons and features light entertainment and news; however, news coverage generally requires payment. Although neither television station broadcasts partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centers on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

HAAC regulations govern satellite reception equipment and movie and video clubs. New regulations govern private video clubs, which typically meet at members' homes and require a payment of \$.07 (50 CFA francs) per viewer per film. These December 2000 regulations, issued by the Ministries of Culture and Interior, impose an initial registration fee of approximately \$137 (100,000 CFA francs) per club and annual fees of

approximately \$14 (10,000 CFA francs) thereafter. Given the Government's limited law enforcement resources, enforcement of the regulations likely will be problematic.

Internet service is available in cities; there are no governmental restrictions on its use.

The Government does not restrict academic freedom. University professors are permitted to lecture freely, conduct research, and publish their work.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The Government requires permits for use of public places for demonstrations and generally grants such permits. Unlike in the previous year, there were no reports that permit requests were denied during the year; however, some demonstrators were turned away at the presidential palace when they attempted to voice their grievances.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. The Government requires associations to register and routinely grants registrations. Unlike in the previous year, there were no reports during the year of unregistered schools or of government action against schools it regarded as incompletely or improperly registered.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Persons who wish to form a religious group must register with the Ministry of the Interior. Registration requirements are identical for all religious groups. There were no reports that any group has been refused permission to register or has been subjected to untoward delays or obstacles in the registration process. Religious groups are free from taxation.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice; however, the presence of police, gendarmes, and illegal roadblocks impedes domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints serve as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such petty corruption at roadblocks.

The Government does not restrict international travel for political reasons, and those who travel abroad may return without hindrance.

The Government's policy toward the seasonal movement of livestock allows migratory Fulani herdsman from other countries to enter freely; the Government does not enforce designated entry points. Disputes have arisen between the herdsman and local landowners over grazing rights. Press reports of at least two separate instances of the killing of Fulani suggest that these disputes are intensifying.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Historically, the Government has cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. During the year, a number of citizens of Togo entered the country and were granted refugee status or given first asylum because of the political climate in Togo. Many returned to Togo; however, as of December, there were 1,182 Togolese refugees in the country and a total of 1,921 Togolese living in the country under UNHCR auspices. Despite severe economic pressures that limit its ability to provide education for children, the Government has allowed these Togolese to enroll their children in local schools and to participate in some economic activities. As of December, the Government had accepted 1,186 refugees and asylees from the Democratic Republic of the Congo (DRC) and 486 others destined for eventual resettlement in another country.

In contrast the UNHCR estimates that 250 Ogoni refugees from Nigeria, disadvantaged because they do not speak French, cannot work, nor can their children attend schools. UNHCR officials have directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and to maintain administrative control over their activities.

In addition there are lesser numbers of refugees from Nigeria, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the DRC, Ethiopia, Niger, Liberia, Rwanda, Sudan, and Sierra Leone. The UNHCR estimated that, as of December, there were 6,818 refugees of various nationalities in the country and that approximately 2,286 persons resident in the country were requesting asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Citizens exercised this right in the presidential elections; however, observers generally viewed the February and March presidential elections as free but not entirely fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms).

The country is a constitutional democracy headed by President Kerekou, who was inaugurated on April 6. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts (see Section 1.e.), the intimidation of opposition deputies (see Section 1.c.), and the unprecedented scope of the campaign expenditures made by the President's coalition. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990-91 constitutional process that ended his previous reign. There are 19 political parties represented in the unicameral, 83-member National Assembly. The 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power shifts between opposition and progovernment forces. For example, the President of the National Assembly is from an opposition party. The country's first municipal elections were scheduled to be held during the year; however, they were postponed to an unspecified date in 2002.

The percentage of women in government or politics does not correspond to their percentage of the population; however, women participate actively in political parties. Following a Cabinet reshuffle in May, there are 2 women in the 22-member Cabinet. There are 6 female deputies in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court and the Solicitor General (which is not a cabinet position) are women.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

In late 2000, a joint U.N./Organization of African Unity (OAU) commission investigated the allegations that hundreds of bodies of victims of Togolese security forces had washed ashore on the country's beaches in 1998. In February the commission released its report, finding the existence of a systemic pattern of human rights violations in Togo in 1998. While the Government of Togo disputed these findings, there was no official response from the Government, the U.N., or the OAU.

Following the April 17 arrival of a ship alleged to be trafficking persons, the Government undertook a formal investigation and produced a final report, which was cosigned by UNICEF and Terre des Hommes, an NGO (see Section 6.f.).

### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, and religion, but societal discrimination against women continued. Persons with disabilities are disadvantaged.

#### Women

Domestic violence against women, including wife beating, is common. According to incomplete court statistics

for Cotonou in 1999, only 35 criminal proceedings based on reports of violence against women were ongoing at the end of 1999. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believe that women remain reluctant to report cases. Judges and police also are reluctant to intervene in domestic disputes; society and law enforcement considers such cases to be an internal family matter.

Female genital mutilation (FGM) is condemned widely by international health experts as damaging to both physical and psychological health. The Government has been less successful in combating FGM, which is not illegal. FGM is practiced on females ranging from infancy through 30 years of age and generally takes the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably placed the estimate of the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African Committee, has made progress in raising awareness of the dangers of the practice; the Government has cooperated with its efforts. According to recent research, there is a strong profit motive in the continued practice of FGM by those who perform the procedure, usually older women. The efforts of NGO's and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. The press reported that the number of girls and women undergoing FGM has decreased significantly each year since 1996. UNICEF-Benin believes that, if the trend continues, the practice could be eradicated by 2015.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experience extensive societal discrimination, especially in rural areas where they occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas, women dominate the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevents them from inheriting real property.

During the year, the National Assembly began intense consideration of the proposed Family Code that first was introduced in 1995. Critics call it a women's code and charge that it would give women unfair advantages. Some women deputies have threatened to call for public protests if the legislation does not receive full, fair, and expeditious consideration. Certain provisions of the bill aim to ensure equal inheritance and property rights for women. The National Assembly still was considering the Family Code at year's end.

#### Children

The Ministry of Labor and Social Affairs is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family, Social Protection, and Solidarity have oversight roles in the promotion of human rights issues with regard to children and their welfare.

Education is free but not compulsory. In some parts of the country, girls receive no formal education. The Government is trying to boost primary school enrollment, which is approximately 95 percent male and approximately 66 percent female nationwide; only 26 percent of boys and only 12 percent of girls were enrolled in secondary school. Girls do not enjoy the same educational opportunities as boys, and female literacy is approximately 18 percent (compared with 50 percent for males). However, elementary school pass rates in recent years highlighted significant progress by girls in literacy and scholastic achievement.

There is a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). Criminal courts mete out stiff sentences to criminals convicted of crimes against children, but many such crimes never reach the courts due to lack of education and access to the courts or fear of police involvement in the problem.

FGM is performed commonly on girls (see Section 5, Women).

Trafficking in children is a problem (see Sections 4, 6.c., 6.d., and 6.f.).

The Government, in concert with NGO's, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (see Sections 4 and 6.f.). Following the April 17 arrival of the Etireno, a ship reportedly transporting trafficked children, the National Commission on Children's Rights prepared an action plan to counter child trafficking. The plan was presented to the Government and financing for it was pending at year's end. Despite such efforts, the abuse of children remained a serious problem.

Some traditional practices inflict hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the

arrangement is voluntary between the two families. There is considerable amount of abuse in the practice, and there are instances of sexual exploitation. Ninety to 95 percent of the children in vidomegon are young girls. Children are sent from poorer families to Cotonou and then some of the children are sent to Gabon, the Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child receives living accommodation, while income generated from the child's activities is split between the child's parents remaining in the rural area and the urban family that raises the child. Following the Etireno incident, the Government renewed its analysis of the impact of vidomegon (see Sections 4, 6.c., 6.d., and 6.f.). In July National Assembly deputies came to the coast town of Grand Popo, near the Togo border, for a meeting with voters to discuss vidomegon; however, there were no specific actions taken by year's end.

Child labor, including forced child labor and trafficking in children for purposes of forced labor or prostitution in other countries, remained problems (see Sections 4, 6.c., 6.d., and 6.f.).

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom are thought to be sorcerers in some rural areas). Press reports of infanticide were up sharply during the year, and some NGO's are combining their anti-infanticide efforts with programs to counter FGM.

#### Persons with Disabilities

Although the Constitution provides that the State should care for persons with disabilities, the Government does not mandate accessibility for them. It operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many are unable to find employment and must resort to begging to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which was enforced with modest effectiveness during the year.

#### National/Racial/Ethnic Minorities

There is a long history of regional rivalries. Although southerners are preeminent in the Government's senior ranks, many prominent military officers come from the north. During the year, new appointments reduced the imbalance. The south has enjoyed more advanced economic development and traditionally has held politically favored status.

During the presidential campaign, ethnic rivalries were evident. Candidate Sacca Lafia, first vice-president of the National Assembly, gave speeches urging his fellow northerners and members of his own Bariba group to prepare to seize power from other groups. President Kerekou, also a northerner, is a member of the Somba group (see Section 3).

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respects these rights in practice. The labor force of approximately 2 million is engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belong to labor unions, a much smaller percentage of workers in the private sector are union members. There are several union confederations, and unions generally are independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, includes four union representatives.

Strikes are permitted; however, the authorities can declare strikes illegal for stated causes, for example, threatening to disrupt social peace and order, and require strikers to maintain minimum services. In August the Government declared illegal a strike by customs officers protesting a surprise anticorruption inspection by the Finance Ministry. As in previous years, there were a number of teachers' strikes of various lengths during the year, which disrupted schools from the primary through university levels.

Unlike in the previous year, there were no peaceful strikes over increases in the price of gasoline. Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which is still in effect) permitting the Government to dock the wages of striking public sector



employees.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions (ICFTU) alleged that hostility to trade unions persisted and that union members were intimidated. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforces them effectively.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations are affiliated with the Brussels-based Confederation Internationale de Syndicats Libres. In early October, union members voted in "professional elections" for the federation or confederation that each member would like as his or her labor representative; however, the final results had not been tabulated or released by year's end, which prompted some unions to complain of possible or probable election fraud. The confederations themselves are divided on the merits of this concept, with some of the smaller or less mainstream unions arguing these elections were not in conformity with the Labor Code.

#### b. The Right to Organize and Bargain Collectively

The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector are set in negotiations between unions and employers. The Labor Code also includes a section on the rights of workers with disabilities (see Section 5). The Government sets wages in the public sector by law and regulation.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor; however, the law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.). No such sentences were imposed during the year.

Trafficking in children is a problem (see Section 6.f.).

The Labor Code prohibits forced and bonded labor by children; however, forced child labor is a problem (see Sections 4, 5, 6.d., and 6.f.). Some financially desperate parents indenture their children to "agents" recruiting farm hands or domestic workers, often on the understanding that money paid to the children would be sent to the parents. According to press reports, in some cases, these agents take the children to neighboring countries for labor (see Sections 4, 5, and 6.f.). The Government has taken steps to educate parents and to prevent such kidnappings of children. Also, many rural children are sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education (see Section 5). Host families do not always honor their part of the bargain, and the abuse of child domestic servants occurs. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remains a problem. The Ministry of Labor enforces the Labor Code in only a limited manner (and then only in the modern sector), due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 7 years old—continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets, and as domestic servants under the practice of *vidomegon* (see Sections 5 and 6.c.). A 2000 report estimated that 75 percent of apprentices working as seamstresses, hairdressers, carpenters, and mechanics were younger than 15 years of age. Most of these apprentices also are under the legal age of 14 for apprenticeship. Children also commonly work as street vendors.

In May the Government ratified ILO Convention 182, on eliminating the worst forms of child labor. The Government was making efforts to adhere to the provisions of ILO Convention 182.

The law prohibits forced and bonded labor by children; however, the Government has been unable to enforce these prohibitions except in the modern sector. Forced child labor is a problem (see Sections 5, 6.c., and 6.f.).

Trafficking in children is a problem (see Sections 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

The Government administratively sets minimum wage scales for a number of occupations. In 2000 the Government raised the minimum wage to approximately \$34 (25,000 CFA francs) per month. However, the minimum wage does not provide a decent standard of living for a worker and family. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earn more than the minimum wage, although many domestics and other laborers in the informal sector earn less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently work 70 hours or more per week. The authorities generally enforce legal limits on workweeks in the modern sector. The code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform does not enforce them effectively. The code does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but does not do so effectively.

#### f. Trafficking in Persons

Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, trafficking in children remained a problem, and continued to be the subject of considerable media coverage (see Sections 4 and 5). Longstanding provisions of the criminal code prohibit kidnapping. The country is a source, transit, and destination for trafficked persons, primarily children.

Internal trafficking of children within the country takes place in connection with the forced servitude practice called "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement is voluntary between the two families (see Section 5).

Children are trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition hundreds of children are taken across the border to Togo and Cote d'Ivoire to work in plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Most victims leave home with traffickers who promise educational opportunities or other incentives. Following a child labor conference in 2000, it was reported in an ILO-IPEC report "Combating Trafficking in Children for Labor Exploitation in West and Central Africa" that 3,061 children were known to have been trafficked in the country between 1995 and 1999. The ILO and UNICEF reported that trafficking originated mainly in the depressed rural areas. UNICEF also reported that trafficked persons originated primarily from the country's southernmost provinces, those with the easiest access to the paved coastal highway that links Cote d'Ivoire, Togo, Benin, and Nigeria. UNICEF also indicated that girls were far more likely to be trafficked than boys.

According to UNICEF, four distinct forms of trafficking occur in the country. "Trafic-don" is the term given to a practice whereby children are given to a migrant family member or stranger, who then turns them over to another stranger for vocational training or education. "Trafic-gage" is a form of indentured servitude, in which a debt is incurred to transport the child, who cannot return home until the debt is repaid. "Trafic-ouvrier" is the most common variant, estimated at 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. This practice generally involves children aged 6 years to 12 years, and their work may be as artisans, construction laborers, or agricultural or domestic workers. Lastly, "trafic-vente" is simply the outright sale of children.

According to a survey of child labor conducted in 1999 by the Government, the World Bank, and INSAE (a nutritionally focused NGO), 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in the Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were

trafficked (see Section 6.c.).

In March a Nigerian-registered ship, the MV Etireno, sailed from Cotonou; according to the international press, it carried as many as 250 children trafficked from West Africa to work as laborers and domestic servants in Gabon. In April the ship arrived at the port of Owendo in Libreville, Gabon, and was turned away by Gabonese authorities, who suspected that illegal immigrants were aboard. On April 17, the ship returned to Cotonou after approximately 2 weeks at sea. International organizations and their embassies assisted the 23 children found aboard (from Benin, Togo, and Mali) when they arrived in Cotonou. At year's end, none of the persons arrested in connection with the Etireno (such as the ship's captain) had been brought to trial.

Following the arrival of the Etireno, the Government undertook a formal investigation and produced a final report, which was cosigned by UNICEF and Terre des Hommes, an NGO (see Section 4). The final report stressed the regional nature of the trafficking problem and asked for international assistance to help the Government improve its antitrafficking measures, while also criticizing the critical tone of the international media's coverage of the event. In June the Government refused for 1 week to allow the Alnar Stockholm to dock in Cotonou, despite reliable reports that it was a vessel carrying ill or at-risk children and youth. The Government's decision was viewed widely as an overly defensive reaction to the publicity that surrounded the Etireno.

The Government is limited severely by a lack of resources, but does recognize that trafficking is a problem. To prevent trafficking, the Government is working with international organizations to increase literacy rates, diversify the economy, and improve health care. The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, combats crimes against children. The Brigade estimated that between 1998 and the beginning of the year, the various border control agencies, including gendarmes and police, intercepted 2,053 children at borders other than the port of Cotonou.

The Government is participating in a two-part ILO trafficking project with eight other countries (Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Nigeria, Senegal, and Togo). The Government also has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims.

The Government also has publicized various arrests of potential traffickers. For example, in May members of a trafficking network based in the northern city of Parakou were arrested as they were preparing to take a group of 8- to 10-year-old boys to Nigeria. Also in May, according to a press report, Togolese police reportedly arrested and turned over to Beninese authorities 10 alleged traffickers and 11 children suspected to be their victims. At year's end, there were no reports of subsequent legal action against the traffickers.

In January 2000, according to press reports, authorities arrested an adult male citizen attempting to smuggle six children, all younger than 10 years old, out of the country reportedly to work on farms in Nigeria. The press also reported the arrest of 13 adults in April 2000 as they were attempting to smuggle 26 children into Togo for work as domestics and farm hands. At year's end, the Government still had not released any information as to whether any of these traffickers would be prosecuted.

The Government has had various programs to address the causes of trafficking in children such as seeking to improve literacy rates, rural health, economic diversification, as well as bilateral and other arrangements to improve its border controls and other anti-trafficking measures. The Government also worked with NGO's to combat trafficking in children taking measures that included media campaigns and greater border surveillance (see Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

In August in Abomey-Calvi, a group of magistrates held a conference to discuss ways to better enforce the country's existing laws against trafficking and the displacement of persons. Also in August, the city of Cotonou hosted a subregional conference of West African police chiefs to discuss their broad array of trafficking cases, including women and children, and to explore ways to better integrate their enforcement and interdiction efforts. Although there was no evidence of concrete results, the subregion's police chiefs adopted resolutions pledging better information sharing on border control issues; the magistrates created a compilation of existing laws and regulations related to trafficking and discussed means of improving enforcement efforts.